

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 19 2010

Applicant(s): Richard Richley et al. )  
Application No. 10/518,423 )  
Filed: December 17, 2004 ) Group Art Unit: 3774  
For: DEVICES AND METHODS FOR )  
MINIMALLY INVASIVE TREATMENT )  
OF DEGENERATED SPINAL DISCS )  
Examiner: Alvin J. Stewart ) Attorney Docket No. TDYNE-305

PETITION UNDER 37 CFR §1.136(a) AND §1.17

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A three-month extension in the time for response to the Office Action dated April 19, 2010, i.e.,  
to and including October 19, 2010, is respectfully requested.

There is submitted herewith the following:

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND  
INTERFERENCES, together with an authorization to charge our Deposit Account  
for the required appeal fee

Please charge the required fee of \$555.00 for a three-month extension of time to our Deposit  
Account No. 15-0508.

Kindly charge any additional fees or credit any overpayment concerning this matter to our  
Deposit Account No. 15-0508.

Respectfully submitted,

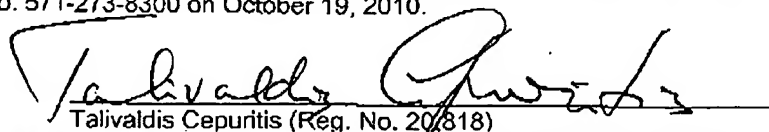
October 19, 2010

By   
Talivaldis Cepuritis (Reg. No. 20,818)

OLSON & CEPURITIS, LTD.  
20 North Wacker Drive, 36th Floor  
Chicago, Illinois 60606  
(312) 580-1180

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this PETITION UNDER 37 CFR §1.136(a) AND §1.17 is being transmitted  
by facsimile transmission to Fax No. 571-273-8300 on October 19, 2010.

  
Talivaldis Cepuritis (Reg. No. 20,818)